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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,986	07/11/2001	IMRAN Sharif	UNIQA-PPA2	1926
27627	7590	12/15/2005	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 12/15/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/902,986

Filing Date: July 11, 2001

Appellant(s): SHARIF ET AL.

Robert Buckley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 3, 2005 appealing from the Office action mailed November 22, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Istvan et al (US Publication No. 2002/0060750).

With regard to claim 1:

Istvan discloses a method of displaying multimedia contents on a display area of a broadband internet-enabled television system (Abstract, paragraphs 6 and 7). The method of Istvan discloses what is claimed in the present application (e.g., paragraphs 6 and 7, Fig. 1).

As claimed in the present application, Istvan discloses the claimed "user interface method in a browser application implemented in an *Internet appliance*", a user-friendly access to both broadcast television and Internet content via a single integrated user interface (paragraphs 6 and 7), such as set-top box (Fig. 1). The Internet-enabled television system comprises a set-top box ("small box" internet appliance), a browser (Fig. 9, paragraph 64), a display (Figs. 3, 9, etc), a remote control (having reduced-key-set) (fig. 11), wherein the remote controller includes a plurality of keys including directional keys, numeric keys, and a number of function keys (Fig. 11).

Istvan also discloses displaying a user interface screen on the display device (Figs. 3, 9, etc), wherein the screen is divided into a plurality of screen layout areas, that is, primary display screen area (e.g. fig. 3, #301), and at least a primary controls on the left side (first control area) (e.g. fig. 3, #302) and a context-sensitive area on the top (second control area) (e.g. fig. 3, #304). As in the present invention the primary screen area is used to display content information of a web page or any accessible information source (e.g. figs. 4, and 10, 13-17). The first control area containing one or

Art Unit: 2173

more mode icons for selecting a mode of the browser application, and the second control area containing one or more command icons depending/associating with the selected mode (fig. 8-9).

Similar to a navigating mode, Istvan further discloses displaying a plurality of selectable interface elements including selectable (via remote control) web pages (e.g. figs. 8, and 9).

Also, similar to a browser mode, Istvan further discloses displaying content of the selected displayed element, such as content of a web page, content of a selected TV channel, advertisement content, and other content information (e.g. figs. 4, 10, and 13-17).

Furthermore, in either mode (navigating or browsing) associated command icons are available for selection (via remote controller) (e.g. figs. 4, 8-10, and 13-17, also refer to description of the figs.).

(10) Response to Argument

The Appellant argues that the Istvan's Internet-enabled television system is different or not compatible with the current "Internet appliance" claimed. But as the Appellant acknowledges the claim makes no further reference to the claimed appliance and thus directs to the Specification to define what "Internet appliance" is. As cited by the Appellant page 5, line 6 through page 6, line 7)^{1 (see EA, page 7)}, as described in these pages and especially as illustrated in Fig. 21, the claimed "Internet appliance" is nothing more than conventional set-top box (STB), similar to that of Istvan's (Fig. 1). The specified pages, in part describe "Internet appliance" as "a small device" that include a

processing unit. The specified pages do not clearly set forth the scope of the relative term device "small device". The specified pages further recite "a reduced-keyset user interface device". Again, although the specified pages describe the term "reduced-keyset user interface device" as a device that does not include a full-text-entry keyboard, the specified pages and as recited in the claim do not particularly point out and clearly set forth the relative scope of what "a reduced-keyset" is. Moreover, Istvan et al, the applied art, discloses both a "small device" or "Internet appliance" which is a set-top box, a small device (Istvan, Fig. 1), and a "reduced-keyset user interface device" such as a remote controller (Istvan, Fig. 11).

The Appellant also states "An argument can be made that the applicants' method can be practiced in an Internet-enabled television system or in a set top box, but the applicants have limited their method to being practiced in an Internet appliance, as defined in the applicants' disclosure." Again, the Examiner would like to direct the Board to the disclosed definition of the "Internet appliance". As defined in the applicant's disclosure, the Examiner strongly believes that the "Internet appliance" is conventional set-top box (STB), similar to that of Istvan's (Fig. 1). Thus, by the Appellant's own admittance, that is, "the applicants' method can be practiced in an Internet-enabled television system or in a set top box", the "internet appliance" is a set-top box (STB).

The Appellant also states "The importance of this distinction is that though the applicants can practice the remaining steps of their user interface implementation method in an Istvan device, Istvan cannot practice his method in the applicants Internet

appliance not when the full extent of the Istvan disclosure is considered. Thus, claim 1 is narrower than anything disclosed by Istvan and not anticipated.” The examiner acknowledges the applicant’s admittance that “applicants can practice the remaining steps of their user interface implementation method in an Istvan device”, but the examiner, however disagrees with appellant’s statement, that “Istvan cannot practice his method in the applicants Internet appliance-not when the full extent of the Istvan disclosure is considered.” Because both, the current invention and Istvan are directed to Internet enabled device accessing, receiving, selecting, controlling and displaying information from the Internet (e.g., Istvan, Fig. 1).

Again the Appellant also argues “Neither the Istvan publication nor the Istvan provisional patent application disclose any apparatus for practice of their disclosed methods as simple as the applicants’ Internet appliance, because no platform as simple as the applicants’ Internet appliance would support the functionality disclosed by Istvan.” The Examiner strongly disagrees, because by appellant’s own admittance “the applicants' method can be practiced in an Internet-enabled television system or in a set top box (Brief, page 4); and also admits that “applicants can practice the remaining steps of their user interface implementation method in an Istvan device”, (Brief, page 4), Istvan disclose the claimed apparatus for practice of the disclosed methods as simple as the applicants’.

Furthermore, the appellant concludes by arguing “A reasonable conclusion is that the simplest Istvan user interface cannot be practiced on the applicants’ Internet appliance platform. Thus, there is some limitation in claim 1 that is not compatible with

Art Unit: 2173

the Istvan user interface: some limitation that is not disclosed by the Istvan reference."

Again, the examiner disagrees and concludes by stating the appellant's own admittance that *the applicants' method can be practiced in an Internet-enabled television system or in a set top box* (*Brief, page 4*); and also admits that "applicants can practice the remaining steps of their user interface implementation method in an Istivan device", (*Brief, page 4*).

¹ FIG. 21 shows an Internet appliance in which a web browser according to embodiments of the present invention may be implemented. An Internet appliance 201 is a small device that includes a processing unit 210; a wired or wireless network connection device 212 such as a modem for communication with a network; a video section 214 including a video signal output, such as a television interface for outputting video and audio signals, or separate video and audio signal outputs; and a user interface signal receiver 216 for receiving user interface signals generated by a reduced-keyset user interface device 202, such as a consumer-type remote control unit. The above components are preferably contained in a housing 211 or provided on the outside surface of the housing to form an integral unit. The processing unit is connected to the network connection device 212, the video section 214 and the user interface signal receiver 216 and controls all functions of the Internet appliance. The reduced-keyset user interface device is a device that has a small number of keys and transmits a small number of keystroke signals associated with the keys. As used in this specification, the term "reduced-keyset user interface device" does not include a device that has a full text-entry keyboard. The video section 214 can be connected to a display such as a television for displaying information, and the Internet appliance unit does not have its own video display or other graphic display devices. The user interface signal receiver 216 is the only device for receiving user interface information from the user (via the reduced-keyset user interface device 202), and the Internet appliance unit does not have its own keyboard input device with text-entry keys. The lack of an integral video display device and a keyboard allows the Internet appliance to have a compact structure. User interface is provided solely through the cooperation with video display and the reduced-keyset user interface device 202. An Internet appliance is preferably connected to a network to perform its function. A typical network connection is to the Internet, but other types of network may also be used, such as an intranet. The term "Internet appliance" is intended to cover devices connected to other types of networks. For Internet appliances that connect to the network using a modem, an Internet Service Provider (ISP) is typically employed to provide the hardware and software infrastructure that provides the link between the modem in the appliance and the other systems on the network to which it connects. (The Application, page 5, lines 6 through page 6, line 7).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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